

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID JUDD,

Plaintiff,

v.

**Civil Action 2:09-cv-00283
Judge Gregory L. Frost
Magistrate Judge E. A. Preston Deavers**

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

This matter is before the Court for consideration of the August 10, 2010 Report and Recommendation of the Magistrate Judge. (Doc. # 41.) The Magistrate Judge recommended that the Court remand the decision of the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Doc. # 41, at 22.) The time period for filing objections to the Report and Recommendation has expired. Defendant failed to object to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. §

636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge.

Accordingly, the Court **REMANDS** the decision of the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE